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Regulatory
Programs

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August 5, 2002

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Karin Ferriter
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy
United States Patent and Trademark Office
Washington, D.C. 20231

Dear Ms. Ferriter:

This is in regard to the application for patent term extension of U.S. Patent No. 5,275,813 filed by the Regents of the University of California under 35 U.S.C. § 156. The veterinary biologic product claimed by the patent is Fel-O-Vax® FIV vaccine (Feline Immunodeficiency Virus Vaccine, Killed Virus), which was assigned VS Code No. 15A5.21.

A review of the Center for Veterinary Biologics official records indicates that this product was subject to a regulatory period before its commercial marketing or use, as required under 35 U.S.C. § 156(a)(4).

The United States Veterinary Biological Product License was issued on March 14, 2002, which makes the submission of the patent term extension application on May 10, 2002, timely within the meaning of 35 U.S.C. § 156(d)(1).

Should you conclude that the subject patent is eligible for patent term extension, please advise us accordingly. As required by 35 U.S.C. § 156(d) (2) (A) we will then determine the applicable regulatory review period, publish the determination in the Federal Register, and notify you of our determination.

Sincerely,

Richard E. Hill, Jr.
Director
Licensing and Policy Development



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